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STAMPEDING THE JURY

gation goes on with the idea that it is unwise to bring the country judge into the city, because he is not familiar with the situations in Chicago.

In the radical reform which is receiving the attention of the association is the changing of the method of selecting judges. One of the reforms in this regard suggested is the appointment of twelve non-partisan citizens to act as selectors of the judges, four to serve for two years after appointment, four to serve four years and four to serve six years. On reappointment each man to serve for four years. This body will submit a list of twice the number of judges to be appointed to the governor, who will appoint the judges from the list. This plan, it is hoped, will eliminate politics from the choice of our judges.

R. H. G.

"Stampeding the Jury."—In the Chicago Tribune of December 1, 1911, is an editorial under the above title, in which comment is made upon the Patterson murder trial in Denver, in which to no purpose, as the sequel proves, much time and infinite pains were employed in an attempt to find a satisfactory jury. The writer of the editorial, in his comment, points out our inconsistency in placing such safeguards around the selection of the jury and nevertheless permitting corruption from outside sources to run rampant. He says:

"The purpose of a criminal trial is presumed to be the ascertainment of the fact of guilt or innocence under the law. Yet the very widest latitude is permitted in argument, so that, after the most cautious and minute process of preventing prejudice in the selection of jurors and the most drastic process of presenting testimony in order to prevent irrelevant facts and considerations to enter the minds of the jury, all this elaborately safeguarded structure is thrust into a whirling phantasmagoria of rhetoric, melodramatic, histrionic appeals to passion, prejudice, and overwrought sentiment. Counsel are permitted personal recriminations, innuendoes, and sneers which involve themselves, their characters, and their methods in the main question of the defendant's guilt, and out of this roaring storm the jury is expected to stand firm, cool, unbiased, to hold with a steady hand the delicate scales of justice! All the disinterested assistance they receive is in the form of certain so-called 'instructions,' which are statements in law English, involved and technical, of the legal principles they must obey. These are contrived not by the court but by the battling attorneys, chiefly the attorney for the defense, whose object is not so much to enlighten the jury as to trick the judge into a technical error from which, under our technical system, reversal may be hoped.

It is high evidence of the innate good sense and right feeling of the average man serving on juries that justice is served as well as it is. But a system so plainly defective is sure to produce much preventable evil, and ought to be amended in the light of reason.

Among lawyers and judges who have considered remedies for the defects of our legal procedure the strongly preponderant opinion favors strengthening and enlarging the function of the judge. At present the forensic *mélée* of the attorneys goes on unchecked to almost any excess because the judge's hands are tied. Procedural reformers say he should be allowed more freely to control debate and should be privileged to comment, as the English judges do, upon the evidence.

There ought to be public spirit enough in the legal profession to correct the

HARMONIZING STATE LAWS

most glaring faults of our peculiar American system. But the legal profession is proverbially 'conservative,' and its progress is very slow." R. H. G.

"The Law's Delay."—The committee on Judicial Procedure of the Law Association of Philadelphia has had under consideration for some time the subject of delay in the trial cases in the county court with a view to suggesting limitation and has prepared a report in which a comparison is made of the time required for reaching a case in Philadelphia with that in several other cities. In Philadelphia the time varies from one to three years, but after a case has been ordered on the list another year passes before it comes to trial. In New York the time required is from one and one-half to two years in ordinary cases, three to six months in cases preferred by law; in Brooklyn one and one-half to two years; in Chicago three months in the Municipal Court and one year in the county courts; in St. Louis from three to six months; in Boston from six months to two years; in Baltimore from four to eight months; in Cleveland and Buffalo, one year; in San Francisco, thirty days; in New Orleans, two to five months. The committee favors an increase in the number of judges of the Common Pleas Courts. The report goes on to say:

"Jury trials are held in New York during thirty-six weeks of the year, in Brooklyn during thirty-nine weeks, in Chicago during forty weeks, in St. Louis during twenty-five weeks, in Boston twenty-six weeks, in Baltimore thirty-seven, in Cleveland thirty-six, in Cincinnati thirty weeks, in Buffalo thirty-two weeks, in San Francisco every week, and in Philadelphia twenty-one weeks. This figure in Philadelphia is based upon the practice until recently. Several of the courts have added some weeks this winter to their jury periods, though we understand it is not yet decided that the addition shall be permanent.

"It seems," says the committee, "that the number of hours of jury trials ought to be increased either by adding to the number of judges or adding to the number of weeks of jury trials in each year, or by lengthening the court day or by some combination of the foregoing."

The committee will present a resolution for the consideration of the association to the effect that the judges be requested to sit till 3:30 o'clock each day, with a half-hour recess for lunch. R. H. G.

Harmonizing State Laws.—A number of prominent lawyers in New York City are organizing an "American Academy of Jurisprudence" for the purpose of taking action toward the harmonization of the legal systems of the several states. It is understood that the leading idea of the organization is to compile and publish a monumental work which may hope in time to acquire legally quotable authority as a national or interstate code. Its value to American civilization will depend upon the common sense of the men who do the work. It is to be hoped that the organization will mobilize the law and set it free from mere words and forms; that it will place the emphasis upon living principles rather than upon dead precedents.

A fund of \$100,000 is to be raised to carry on the work of the academy. Among those who are mentioned as actively interested in the plan are Joseph H. Choate, Senator Elihu Root, Former Judge John M. Dillon, ex-president of the American Bar Association; Alton B. Parker, Thomas G. Jones, former governor of Alabama; James DeWitt Andrews, Former Judge Peter S. Grosscup of Chicago, Eugene Prussing of New York and L. H. Alexander of Philadelphia. R. H. G.